

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Servants – Horticulture Department – Disciplinary proceedings initiated against Sri Iqbal Ahmed, Assistant Director of Horticulture(now retired) and Sri N. Ranga Rao, Ex-Horticulture Officer & Assistant Director of Horticulture(Retired) for allegation of irregularities in not taking proper steps and precaution to safeguard the Government property at Horticulture Farm, Bobbili, Vizianagaram – Further action dropped – Orders - Issued.

AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No. 1420

Dated: 30-11-2009

Read the following:-

1. GORt.No.2586, F&A(Agri.II)Dept., dt.08-11-1989.
2. From DDH(GG) & Inquiry Officer, Hyd., Inquiry Report, dt.29-06-1990.
3. GORt.No.314, Agri. & Coop.(Horti.)Dept., dt.27-03-1996.
4. From APAT, Order dt.11-10-1999 in O.A.No.2665/1996.
5. From APAT, Order dt.13-04-2004 in O.A.No.3352/1996.
6. Govt.Memo No.4077/Vig.II(2)/2004-4, dt.06-12-2005.
7. Govt.Memo No.9252/Vig.II(2)/2004-4, dt.07-12-2005.
8. From A.P.High Court Order dt.12-06-2009 in W.P.No.1499/2000 filed by Sri Iqbal Ahmed, A.D.H(now retired).
9. From Sri N. Ranga Rao, ADH (Retired), Representation,dt.14-09-2009.

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O R D E R:

It was brought to the notice of the Government that on 16-05-1989, a fire accident took place at the Horticulture Farm, Bobbili, Vizianagaram and 5250 Nos. of Coconut seedlings worth Rs.52,500/- were reported burnt. In this regard, Government appointed Sri K. Umanatha Rao, Deputy Director of Horticulture(G.G.), Hyderabad as Inquiry Officer to conduct inquiry into the matter. The Inquiry Officer framed the charges against Sri N. Ranga Rao, the then Horticulture Officer and Sri Iqbal Ahmed, the then Assistant Director of Horticulture. After conducting regular inquiry, the Inquiry Officer has submitted the inquiry report concluding that the charges are held proved against both the Charged Officers. After examining the matter and after following due procedure, Government imposed a penalty of stoppage of two annual grade increments with cumulative effect besides recovery of Rs.52,500/- @ Rs.26,250/- from each officer vide reference 3rd read above.

2. Aggrieved by the above penalty orders, Sri Iqbal Ahmed, Assistant Director of Horticulture and Sri N. Ranga Rao, Horticulture Officer have approached the A.P. Administrative Tribunal and filed O.A.No.2665/1996 and O.A.No.3352/1996 respectively.

3. The A.P. Administrative Tribunal in its order dt.11-10-1999 in O.A.No.2665/1996 filed by Sri Iqbal Ahmed, Assistant Director of Horticulture, have observed that the respondents have followed the procedure prescribed under Rules and awarded punishment and however, directed the applicant to file a review petition before the Government to re-consider its decision. Instead of submitting of review petition, Sri Iqbal Ahmed, Assistant Director of Horticulture approached the High Court of A.P. and filed W.P.No.1499/2000. The High Court of A.P., while admitting the W.P. directed the petitioner to file a representation so as to enable the Government to consider and pass appropriate orders in the light of the orders of the Tribunal. Accordingly, Sri Iqbal Ahmed, the then Assistant Director of Horticulture filed a review petition dt.24-12-2004 before Government. After careful examination of the matter, Government rejected the review petition filed by Sri Iqbal Ahmed, Assistant Director of Horticulture vide reference 6th read above.

4. The A.P. Administrative Tribunal in its order dt.13-04-2004 in O.A.No.3352/1996 with M.A.No.92/1997 filed by Sri N. Ranga Rao, Horticulture Officer have directed the applicant to file a review petition before the Government to re-consider its decision. Accordingly, Sri N. Ranga Rao, Horticulture Officer filed a review petition dt.13-07-2004 before Government. After careful examination of the matter, Government rejected the review petition filed by Sri N. Ranga Rao, Horticulture Officer reference 7th read above.

5. The Hon'ble High Court of A.P., in its judgment dt.12-06-2009 in the above said W.P. No.1499/2000 filed by Sri Iqbal Ahmed, the then Assistant Director of Horticulture have ordered as follows:-

"We are the opinion that the findings of the enquiry officer and the order passed by the Government imposing the said punishment do not contain any reason showing proper application of mind. In the absence of specific unambiguous findings of the

enquiry officer, we are of the opinion that the Government ought not to have imposed have imposed the said punishment. Therefore, we are of the opinion that the Tribunal ought to have granted the relief by setting aside the order of the Government vide GORt.No.314, A&C Dept., dt.27-03-1996, instead of permitting the petitioner to make a fresh representation.

Accordingly, we allow the writ petition setting aside the orders of the Government in GORt.No.314, A&C Dept. dt.27-03-1996.

6. In the reference 9th read above, Sri N. Ranga Rao, Assistant Director of Horticulture (Retired) has submitted a representation to the Government requesting to extend the benefits in W.P.No.1499/2000 in his case and release all the benefits on par with Sri Iqbal Ahmed, Assistant Director of Horticulture.

7. Government have examined the entire matter carefully and decided to implement the orders dt.12-06-2009 of the High Court of A.P. in W.P.No.1499/2009 and as such set aside the orders issued in the reference 3rd read above and drop further action against both the Charged Officer i.e. Sri Iqbal Ahmed, Assistant Director of Horticulture(Retired) and Sri N. Ranga Rao, Ex-Horticulture Officer & Assistant Director of Horticulture(Retired).

8. Accordingly, Government hereby set aside the orders issued in the reference 3rd read above and drop further action against both the Charged Officer i.e. Sri Iqbal Ahmed, Assistant Director of Horticulture(Retired) and Sri N. Ranga Rao, Ex-Horticulture Officer & Assistant Director of Horticulture(Retired).

9. The Director of Horticulture, A.P., Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**PANKAJ DWIVEDI
A.P.C. & SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To

Sri Iqbal Ahmed, Assistant Director of Horticulture(Retired).

Sri N. Ranga Rao, Ex-Horticulture Officer & Assistant Director of Horticulture(Retired).

(Through: The Director of Horticulture, A.P., Hyderabad)

Copy to:-

The Director of Horticulture, A.P., Hyderabad.

Sc/Sf.

// FORWARDED :: BY ORDER //

SECTION OFFICER